

**A G E N D A**

**BOARD OF SHELBY COUNTY COMMISSIONERS**

**CHARTER FORM OF GOVERNMENT**

**SEPTEMBER 15, 2003**

**1:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER County Attorney Brian Kuhn**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**

**R E G U L A R A G E N D A**

**Elections, Appointments, and Confirmations**

<b>KIRK ADOPTED</b>	<b>1. Resolution setting the salary of the Chairman of the Shelby County Board of Commissioners.</b>
-------------------------	--

<b>HOOKS ADOPTED</b>	<b>2. Resolution electing the Chairman of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.</b>
--------------------------	---

<b>KIRK ADOPTED</b>	<b>3. Resolution electing the Chairman Pro Tempore of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.</b>
-------------------------	---

**C O N S E N T A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

<b>THOMPSON ADOPTED</b>	<b>4. Memorial Resolution in honor of Anthony Woods, Police Officer for the City of Memphis.</b>
-----------------------------	--

<b>THOMPSON ADOPTED</b>	<b>5. Memorial Resolution in honor of Michelle Wayne, Deputy Jailer for Shelby County.</b>
-----------------------------	--

FORD  
ADOPTED

6. Resolution commending Muriel Malone Conner.

Ordinances

HOOKS  
(DEFERRED  
TO 10/13/03)

7. **ORDINANCE – FIRST READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

Zoning and Subdivisions

HOOKS  
ADOPTED  
(A-B)

8. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

KIRK  
ADOPTED

9. Resolution approving the sale of fourteen delinquent tax parcels from Tax Sale(s) 82.1, 89.5, 89.4, 95.2, 96.2, 97.2, 97.3, 97.4, and 98.2 pursuant to the provisions of the TCA 67-5-2507.

KIRK  
ADOPTED

10. Resolution approving the sale of forty delinquent tax parcels from Tax Sale(s) 13, 35, 41, 54, 55, 82.1, 83.1, 85.2, 89.6, 89.7, 92.2A, 94.4, 94.3, 95.1, 95.2, 96.2, 97.1, 97.2, 97.3 and 97.4 pursuant to the provisions of the TCA 67-5-2507.

KIRK  
ADOPTED

11. Resolution appropriating funds in the amount of \$250,000.00 from the FY 2003/2004 CIP Budget for Project Number 100152, Millington School Road for construction of improvements to William Osteen Drive.

KIRK  
ADOPTED

12. Resolution to approve a contract between Shelby County Government and West Group for on-line legal research (Westlaw) the amount of \$18,576.00 for the period November 1, 2003 through June 30, 2004 and the contract for September 1, 2003 to October 31, 2006.

<b>KIRK ADOPTED</b>	<b>13.</b>	<b>Resolution amending the FY 2004 Operating Budget of the District Attorney General.</b>
<b>LILLARD ADOPTED</b>	<b>14.</b>	<b>Resolution authorizing the mayor to enter into a contract for the design and preparation of construction documents for the Nonconnah Greenbelt Project Phase 1 and to appropriate funds in the amount of \$135,200.00 from FY 2003/2004 CIP Project Number 101125, Nonconnah Greenbelt.</b>
<b>LILLARD ADOPTED</b>	<b>15.</b>	<b>Resolution authorizing the mayor to execute an agreement with the State of Tennessee Department of Transportation for road improvements at Fite Road from U.S. Highway 51 (SR-3) to Woodstock Road in Shelby County and to appropriate funds in the amount of \$1,400,000.00 from the FY 2003/2004 Budget for CIP Project Number 100118, Fite Road.</b>
<b>LILLARD ADOPTED</b>	<b>16.</b>	<b>Resolution authorizing the mayor to award a contract to L&amp;T Construction, Inc. for the Jackson Pit Landfill Closure.</b>
<b>FORD ADOPTED</b>	<b>17.</b>	<b>Resolution to approve a contract amendment between Shelby County Government and Concentra Medical Centers for the provision of pre-employment and post-job offer physicals to Shelby County Government in the amount of \$100,000.00 for the period July 1, 2003 – June 30, 2004 and to approve the optional renewal of the contract for fiscal year 2004/2005.</b>
<b>THOMPSON (DEFERRED TO 09/29/03)</b>	<b>18.</b>	<b>Resolution authorizing the Shelby County General Sessions Criminal Court Judges to accept and expend \$150,000.00 in grant funds from the City of Memphis Police Department for substance abuse treatment for offenders in the Drug Court Program and amending the FY 2003/2004 Operating Budget.</b>
<b>WILLINGHAM ADOPTED</b>	<b>19.</b>	<b>Resolution appropriating fund sin the amount of \$35,000.00 for the replacement of the exterior covered walkways at the Pyramid Arena from the FY 2003/2004 CIP Budget for Project Number 101907, Pyramid Arena.</b>
<b>RENDTORFF ADOPTED</b>	<b>20.</b>	<b>Resolution increasing the appropriation amount for Goodwill Homes Community Services, Inc. pursuant to its Headstart Delegate Contract by \$800.00 for the grant year January 1, 2003 through December 31, 2003.</b>
<b>RENDTORFF ADOPTED</b>	<b>21.</b>	<b>Resolution increasing the appropriation amount for the Healing Center pursuant to its Headstart Delegate Contract by \$800.00 for the grant year January 1, 2003 through December 31, 2003.</b>
<b>RENDTORFF ADOPTED</b>	<b>22.</b>	<b>Resolution increasing the appropriation amount for Porter Leath Children’s Center, pursuant to its Headstart Delegate Contract by \$800.00 for the grant year January 1, 2003 through December 31, 2003.</b>

- RENDTORFF  
ADOPTED

23. Resolution increasing the appropriation amount for the YMCA pursuant to its Headstart Delegate Contract by \$800.00 for the grant year January 1, 2003 through December 31, 2003.
- RENDTORFF  
ADOPTED

24. Resolution increasing the appropriation amount for the YWCA pursuant to its Headstart Delegate Contract by \$800.00 for the grant year January 1, 2003 through December 31, 2003.
- RENDTORFF  
ADOPTED

25. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$2,371,069.00 in grant funds from the Tennessee Department of Human Services for the Community Services Block Grant Program and to amend the Shelby County Operating Budget for FY 2004.
- RENDTORFF  
ADOPTED

26. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$4,195,007.00 in grant funds from the Tennessee Department of Human Services for the Low Income Home Energy Assistance Program and to amend the Shelby County Operating Budget for FY 2004.
- RENDTORFF  
ADOPTED

27. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$1,651,031.00 in grant funds from the Tennessee Department of Human Services for the Weatherization Assistance Program and to amend the Shelby County Operating Budget for FY 2004.
- FORD  
ADOPTED

CONSENT AGENDA

**R E G U L A R   A G E N D A**

Elections, Appointments and Confirmations

Ordinances

Zoning and Subdivisions

**HOOKS  
(DEFERRED  
TO 11/17/03)**

28. **CASE NO. Z 03-114 CC**  
**APPLICANT:** Windsor Park, LLC  
  
**LOCATION:** North side of Ellis Road; beginning 944.6 feet west of Brunswick Road  
  
**REQUEST:** Single Family Residential (R-S10) District  
  
**Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL**  
  
**Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL**

(Notice of public hearing published in the Daily News on Friday, August 1, 2003.)

**HOOKS  
(DEFERRED  
TO 09/29/03)**

29. **CASE NO. P.D. 02-350 CC**  
**APPLICANT:** Dr. Paul Green  
  
**LOCATION:** North side of Walnut Grove Road; +/-552 feet east of Rocky Point Road  
  
**REQUEST:** Mixed-Use Planned Development to allow General Office (O-G), Single Family Residential (R-S6) and Multiple Dwelling Residential (R-ML) Districts uses within the Outline Plan  
  
**Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL WITH CONDITIONS**  
  
**Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, April 25, 2003.)

**HOOKS  
ADOPTED**

30. **CASE NO. P.D. 02-335 CC**  
**APPLICANT:** B.J. Gurley  
  
**LOCATION:** Southeast corner of Hacks Cross Road and Nonconnah Parkway  
  
**REQUEST:** Uses consistent with the Planned Commercial (C-P) District  
  
**Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL WITH CONDITIONS**  
  
**Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, September 5, 2003.)

**HOOKS  
ADOPTED**

31. **CASE NO. SUP 03-210 CC**  
**APPLICANT:** Southern Towers, LLC  
**LOCATION:** Northwest corner of Shelby Drive and Reynolds Road
- REQUEST:** Cellular Communications Tower, 199 feet, no lighting
- Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL WITH CONDITIONS**
- Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, September 5, 2003.)

**HOOKS  
ADOPTED**

32. **CASE NO. SUP 03-212 CC**  
**APPLICANT:** Happy Times Farm (Julie Hatchett)  
**LOCATION:** West side of Reynolds Road; +2,399.62 feet north of Holmes Road
- REQUEST:** Petting zoo
- Memphis and Shelby County Office of Planning and Development recommendation:**  
**APPROVAL WITH CONDITIONS**
- Memphis and Shelby County Land Use Control Board recommendation:**  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, September 5, 2003.)

**Reports and/or Resolutions of Standing Committees**

**KIRK  
ADOPTED**

33. Resolution approving the Shelby County Board of Education Operating Budget for Fiscal Year 2003-2004.

**KIRK  
ADOPTED**

34. Resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property in the area of the county located outside the boundaries of the Board of Education of the Memphis City Schools, which constitutes the area of the county outside the boundaries of the City of Memphis, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding Thirty-Two Million Three Hundred Thousand dollars (\$32,300,000.00) of Special General Obligation School Bonds authorized by the Initial Resolution adopted by the Board of County Commissioners of Shelby County, Tennessee, on April 7, 2003 for the purpose of financing schools, transportation equipment for schools, and for various school purposes for schools located outside the boundaries of the Board of Education of the Memphis City Schools; authorizing the use of a Preliminary Official Statement, Notice of Sale, Summary Notice of Sale and Bid

Forms in connection with the sale of such bonds; authorizing the county mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an Official Statement in connection therewith; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof.

**KIRK  
ADOPTED**

35. Resolution authorizing First Amendment to Intercreditor Agreement as authorized by Resolution Number 44, adopted on November 24, 1997.

**HOOKS  
(DEFERRED  
TO 09/29/03)**

36. Resolution approving a moratorium not to accept zoning applications, planned development applications or special use permits for a period from August 1, 2003 until April 30, 2004 in the area defined as the 385 Corporate Technology Corridor.

**FORD  
ADOPTED**

37. Resolution requesting a Special Audit of the office of the Shelby County Commissioners.

#### **Reports and/or Resolutions of Special Committees**

#### **Announcements and Statements**

38. Notification from county mayor of various appointments/ reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of James G.M. Lenschau for appointment to the Memphis and Shelby County Air Pollution Board. (Comm #3)
  - b. Resolution approving the county mayor's nomination of John Elkington for reappointment and Darrel Cobbins for appointment to the Memphis and Shelby County Center City Commission Board. (Comm #7)
  - c. Resolution approving the county mayor's nomination of Henry Hooper and Osie Ward for reappointment and Bill Powell and Ulysses Truitt for appointment to the Shelby County Retirement Board. (Comm #10)

#### **Adjournment**

**THOMPSON  
ADOPTED**

39. Resolution of adjournment to September 29, 2003 at 1:30 p.m.

**AGENDA # 8**  
**SEPTEMBER 15, 2003**

**8A**

**SUBDIVISION:** FOREST CREEK P.D., PHASE 5, SECOND AMENDMENT (BARKLEY SQUARE, FIRST ADDITION) (P.D. 02-365 CC)

**DEVELOPER:** ROBERT DENLEY

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO FOREST CREEK P.D., PHASE 5, SECOND AMENDMENT (BARKLEY SQUARE, FIRST ADDITION) (P.D. 02-365 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** NORTHEAST AND SOUTHEAST CORNERS OF FOREST HILL-IRENE ROAD AND NONCONNAH BOULEVARD

**8B**

**SUBDIVISION:** TIMBER LAKE ESTATES SUBDIVISION (S 95-027 CO)

**DEVELOPER:** CLAIR D. VANDERSCHAAF

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE TIMBER LAKE ESTATES SUBDIVISION (S 95-027 CO) AND AUTHORIZE RECORDING OF THE PLAT

**LOCATION:** SOUTHWEST CORNER OF GEORGE R. JAMES ROAD AND REED HOOKER ROAD